

1 HONORABLE EDWARD F. SHEA
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10
11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF WASHINGTON
13

14 JAMES BUSEY, an individual

Case No. CV-13-5022-EFS

15 Plaintiff,
16 vs.
17 RICHLAND SCHOOL DISTRICT;
18 RICHARD JANSONS; HEATHER
19 CLEARY; MARY GUAY; RICK
20 DONAHOE; and PHYLLIS
21 STRICKLER,

AFFIDAVIT OF GREGORY
STEVENS IN SUPPORT OF
DEFENDANTS' MOTION TO
STAY AND COMPEL
ARBITRATION

22 Defendants.

23 STATE OF WASHINGTON)

25) ss

26 County of Spokane)

28 GREGORY L. STEVENS, being first duly sworn upon oath deposes and

29 says:

30 AFFIDAVIT OF GREGORY L.
STEVENS - page 1

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1 I am outside general counsel for Richland School District. I make this
2
3 Affidavit based upon personal knowledge.

4 On February 21, 2013, I sent Mr. Brian Iller a letter regarding Dr. Jim
5 Busey and his separation from employment as Superintendent of Richland
6 School District. In that letter, I stated:

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8 In any event, we now need to determine how the
9 parties are to proceed. Under the employment
10 contract between the District and Dr. Busey he has
11 a right to a hearing before the School Board. If Dr.
12 Busey would like this hearing, please let me know
13 immediately so it can be expeditiously scheduled.
14 Secondly, and as I am sure you are aware, Dr.
15 Busey's employment contract allows him the right
16 to challenge the School District's actions through
17 arbitration. Please immediately let me know
18 whether Dr. Busey wishes to pursue this matter to
19 arbitration. If so, we need to decide whether you
20 should submit this matter to the American
21 Arbitration Association (AAA) for a listing of
22 arbitrators, or whether we should initially attempt
23 to mutually agree on an arbitrator, thereby
24 avoiding the fees associated with AAA's
25 involvement. If it is Dr. Busey's choice to proceed
26 to arbitration, it is my suggestion that we initially
try to select an arbitrator on our own.

27
28 A true and correct copy of my February 21, 2013 letter is attached hereto
29 as Exhibit A.

30 On February 28, 2013, I received a response letter from Mr. Iller dated
February 25, 2013. In Mr. Iller's letter, he stated that Dr. Busey "sees no point in

AFFIDAVIT OF GREGORY L.
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1 having a hearing in these circumstances, and is not obligated to do so." Mr. Iller
2 further states: "Dr. Busey does not agree to arbitrate his federal and state
3 statutory rights and claims." Mr. Iller enclosed a copy of a summons and
4 complaint and asked whether I could accept service on behalf of the named
5 defendants. A true and correct copy of Mr. Iller's February 25, 2013 letter is
6 attached hereto as Exhibit B.

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11 GREGORY L. STEVENS

12 SUBSCRIBED AND SWORN TO before me this 17th day of April, 2013.

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AFFIDAVIT OF GREGORY L.
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Kimberly J. Reber
NOTARY PUBLIC in and for the
State of Washington
Residing at: Spokane
My Commission Expires: 11/6/2014

KIMBERLY J. REBER
COMMISSION EXPIRES
11-06-14
NOTARY
PUBLIC
STATE OF WASHINGTON

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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Brian J. Iller - bji@rettiglaw.com

and that notice has been delivered by other means to:

N/A

EVANS, CRAVEN & LACKIE, P.S.

By s/ Michael E. McFarland, Jr.
MICHAEL E. McFARLAND, JR.,
#23000

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